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August 20, 2024

VIA ECF

The Honorable Madeline Cox Arleo, U.S.D.J.
United States District Court
Martin Luther King, Jr. Federal Building
50 Walnut Street
Newark, New Jersey 07102

Re: *Axsome Malta Ltd., et al. v. Alkem Laboratories Ltd., et al.*
Civil Action No. 23-20354 (MCA)(LDW) (consolidated)

Dear Judge Arleo:

This firm, together with Quinn Emanuel, represents Plaintiffs Axsome Malta Ltd. and Axsome Therapeutics, Inc. (together, "Axsome") in the above-captioned matter.

We are pleased to inform the Court that Axsome and Defendant Sandoz Inc. ("Sandoz") have reached an amicable resolution of this matter. Accordingly, enclosed for Your Honor's consideration is a Stipulation and Order of Dismissal, which, subject to Your Honor's approval, would dismiss this case as between Axsome and Sandoz only. This case will continue with respect to the remaining defendants. If the enclosed Stipulation and Order of Dismissal meets with the Court's approval, we respectfully request that Your Honor sign it and have it entered on the docket.

Thank you for Your Honor's kind attention to this matter.

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Charles M. Lizza".

Charles M. Lizza

Enclosure

cc: Hon. Leda D. Wettre, U.S.M.J. (via ECF)
All counsel of record (via email)

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Attorneys for Plaintiffs
Axsome Malta Ltd. and Axsome Therapeutics, Inc.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

AXSOME MALTA LTD. and
AXSOME THERAPEUTICS, INC.,

Plaintiffs,

v.

ALKEM LABORATORIES LTD.,
AUROBINDO PHARMA USA, INC.,
AUROBINDO PHARMA LIMITED,
HETERO USA INC., HETERO LABS
LIMITED UNIT-V, HETERO LABS
LTD., HIKMA PHARMACEUTICALS
USA INC., SANDOZ INC., and
UNICHEM LABORATORIES LTD.,

Defendants.

C.A. No. 23-20354 (MCA)(LDW)
C.A. No. 23-23255 (MCA)(LDW)
C.A. No. 24-196 (MCA)(LDW)
C.A. No. 24-309 (MCA)(LDW)
C.A. No. 24-860 (MCA)(LDW)
C.A. No. 24-3999 (MCA)(LDW)
C.A. No. 24-4002 (MCA)(LDW)
C.A. No. 24-4608 (MCA)(LDW)
(consolidated)

(Filed electronically)

STIPULATION AND ORDER OF DISMISSAL

On Sandoz Inc. (“Sandoz”) having withdrawn its ANDA for a generic equivalent of Sunosi (solriamfetol), Sandoz along with Axxsome Malta Ltd. & Axxsome Therapeutics, Inc. (collectively, “Axxsome”) (together with Sandoz, the “Parties”) stipulate and agree pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) that all claims, counterclaims, and affirmative defenses asserted by the Parties against each other in the above-captioned action are hereby dismissed without prejudice, and without costs or attorneys’ fees to the Parties.

The dismissal of this matter with respect to Sandoz shall not result in the dismissal of any claims, defenses, and/or counterclaims with respect to any other defendant.

SO STIPULATED on this 20th day of August, 2024:

Respectfully Submitted by:

s/ Charles M. Lizza

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Respectfully Submitted by:

s/ Eric I. Abraham

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*Attorneys for Defendant
Sandoz Inc.*

SO ORDERED this _____ day of August, 2024:

The Honorable Madeline Cox Arleo
United States District Judge